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(AREA CODE 212)
683-4220

CABLE ADDRESS "WATSOLAW"

April 12, 1971

Mr. William Cridlin, Jr.
Senior Patent Liaison Officer
Philip Morris Incorporated
Research Center
P. O. Box 3D
Richmond, Virginia 23206

Re: SMOKING ARTICLE AND METHOD OF MAKING SAME
Our File: 582-583
Your Ref: PM #520

Dear Bill:

You will recall that I had spoken to you about the above-identified case last week in which we had received a final rejection but with one proposed allowable claim (4) on February 11, 1971. I am enclosing not only a copy of the Office Action but our last amendment in the case.

You had mentioned that you were interested in obtaining a claim covering the use of chlorates, but we call your attention to the fact that there is no specific example using this and, besides, the Fay et al. reference, a copy of which was forwarded to you earlier, describes the use of chlorates in cigarette wrappers. However, we can attempt to get a claim reciting chlorates as one accelerator in the Markush grouping. With regard to such grouping, it occurred to us that perhaps we should limit the group originally disclosed as the alkali metal salts of hydroxides, carbonates, bisulfates, nitrates, chlorates, formates, acetates, citrates, tartrates, lactates and malates to a lesser number of substances that might be of special or of practical interest. Since these materials are stated to be used as accelerators, you might reexamine the list to determine whether they are adequately effective as such (for example, sodium hydroxide or carbonate) and retain only those that would definitely act as burning rate accelerators in the amount used (the examples indicate 3%)).

The problem still remains with regard to the rejection under Section 101 (questionable safety) and any information you could supply us on this point with regard to the burning rate accelerators

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or decelerators would be most helpful. Such literature or support for non-toxicity might be considered when using these substances in a concentration of 3 to 6% by weight of the wrapper.

Any help that you can give us in these matters would be appreciated. Our deadline for requesting an advisory action is May 11, 1971 and June 11, 1971 for appeal or for refiling.

Very truly yours,

Louis H. Baer

LHB:jp
Enclosures (2)

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